



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING & DEVELOPMENT**

Application Number: 2304223
Applicant Name: Kyle Marston
Address of Proposal: 4038 NE 55th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into six unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses was reviewed under separate project #2302785.

The following approval is required:

Short Subdivision - To subdivide one existing parcel into six unit lots.
(Chapter 23.24, Seattle Municipal Code)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction

BACKGROUND DATA

Site Description and Area Development

The subject property is approximately 8,127 square feet and is zoned Multi-family Residential Lowrise 3 (L3). The lot has approximately 69.5 feet of street frontage along NE 55th Street and a depth of approximately 117.0 feet. At this location, NE 55th Street is designated as an arterial and improved with curbs, gutters, and sidewalks on both sides of the street. There is no mapped or observed City of Seattle designated Environmentally Critical Area (ECA) on the site.

Zoning and development in the vicinity is mixed between single family, multi-family, and commercial but is characterized largely by the Multi-Family Residential Lowrise 2 (L-2) zone immediately to the north and east of the site and Neighborhood Commercial 2 (NC2-40) to the west. Properties to the south along NE 55th Street are zoned Single Family 5000 (SF 5000), Multi-Family Residential Lowrise 1 (L1) and Neighborhood Commercial (NC2-30). In combination, these areas are developed with single family, multi-family and commercial structures.

Proposal Description

The applicant proposes to short subdivide one parcel into six unit lots. Proposed unit lot parcel sizes are: A) 1,522 square feet; B) 1,060 square feet; C) 1,510 square feet; D) 1,684 square feet; E) 987 square feet; and F) 1,363 square feet. DPD Project number 2306162, to demolish the existing apartment building has been issued. DPD Project number 2302785, to establish use and construct two (2) 3-unit townhouses with attached garage is being reviewed at the time of this report. Vehicle access for the units is proposed off of an ingress, egress, and utility easement via NE 55th Street.

Public Comment

The comment period for this proposal ended on July 23, 2003. During the public comment period, DPD received no written comments related to this project.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings, which follow, are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning & Development (DPD), review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light, and review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The existing parent lot subject to this subdivision conforms to all development standards of the L-3 zone. The parent lot configuration provides adequate buildable area to meet applicable density, setbacks, lot coverage requirements and other land use code development standards. The unit lots proposed by this subdivision conform to the standards for unit lot subdivisions (SMC 23.24.045) and other code provisions applicable to unit lot subdivisions.

2. Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;

Each of the proposed unit lots will have adequate access for vehicles, utilities and fire protection via a proposed ingress, egress, and utilities easement that provides frontage

along NE 55th Street. The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

Seattle City Light provides electrical service to the subject property and has indicated an easement is required. The easement identified in the Seattle City Light memorandum, dated July 22, 2003, and “Exhibit A to the City of Seattle Short Subdivision Number 2304223” shall be included on the final plat prior to recording.

3. *Adequacy of water supply, sanitary sewage disposal, and drainage;*

Sanitary Sewer: The existing structure is connected by means of a shared sidesewer to an 8-inch public sanitary sewer (PSS) located in NE 55th Street. This mainline was originally constructed to serve as a combined sewer, and as such, there are likely to be downspouts and catch basins still connected to what is now considered, for purposes of redevelopment, a sanitary sewer.

Drainage: As noted above, this area has been separated with the construction of a 24-inch public storm drain (PSD) on the near side of NE 55th Street. This PSD discharges to a Designated Receiving Water.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a Water Availability Certificate, No. 03-0711 on July 10, 2003. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. Address signage shall be posted such that addresses for all units are visible from NE 55th Street. An easement or covenant shall be recorded with the final plat to ensure that the address signage is maintained. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

There is no mapped or observed City of Seattle Environmentally Critical Area on the proposal site.

6. *Is designed to maximize the retention of existing trees;*

Not applicable, as the development of the subject site is permitted by approval of the associated building permit.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing.*

Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that do not individually meet the zoning requirements for lot size, setbacks, density, and structure width and depth. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to non-conformities; the following statement shall be required to be included as a note on the final short subdivision: *"The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."*

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate State statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (described in Exhibit "A," P.M. #250410-2-007) on the final short subdivision.
3. Insert the following on the face of the plat: *"The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this*

subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

4. Provide an easement or covenant with the final plat to ensure that address signage for each unit is provided and maintained in a location visible from NE 55th Street.
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements, if necessary.
6. The easement agreement allowing for the shared sidesewer should be revised to reflect the new legal descriptions.
7. Provide emergency egress easement for proposed Unit Lot B.

Signature: (signature on file) Date: November 3, 2003
Marie N. Kanikkeberg, Land Use Planner
Department of Planning & Development
Land Use Services